

Amendments to the Drawings:

The drawing sheet or sheets attached in connection with the above-identified application containing figures 3-7 are being presented as a new formal drawing sheet or sheets to be substituted for the previously submitted drawing sheet or sheets. Drawing figures 4-7 have been amended. Specifically, Figure 4 has been amended to include reference numeral (12) and figures 5-7 have been amended to include the label "PRIOR ART". Appended to this amendment is an annotated copy of the previous drawing sheet which has been marked to show changes presented in the replacement sheet of the drawing.

REMARKS

Applicants acknowledge receipt of an Office Action dated October 5, 2006.

In this response, Applicants have amended the specification to insert conventional section headings and have amended the abstract.

In addition, Applicants have amended claims 1-4 and 7-12 to replace the phrase "characterized in that" with the term "wherein" and to remove reference numerals. These amendments do not narrow the scope of claims 1-4 and 7-12. Applicants have also amended claims 1, 4, and 11 and have cancelled claims 5 and 6 without prejudice or disclaimer. Support for the amendments to claims 1, 4, 11 and for newly added claims 13-15 may be found in the drawings and specification, *inter alia*, in the first full paragraph of the specification, in Figures 1, 2, and 4 and the corresponding discussion in specification, including, for example, the discussion of Figure 4 on page 5. Following entry of these amendments, claims 1-4 and 7-12 remain pending in the application.

In view of the foregoing amendments and the remarks which follow, Applicants respectfully request reconsideration of the present application.

Oath/Declaration

On page 2 of the Office Action, the PTO has suggested that the declaration filed in the present application is defective. Applicants respectfully note that the present application is a national stage application of PCT/EP2003/012729. In this regard, Applicants wish to direct the PTO's attention to MPEP §1893.01(e) which discusses the requirements for Oaths/Declarations in national stage applications in the United States. Applicants respectfully request reconsideration and withdrawal of the objection to the declaration.

Information Disclosure Statement

On page 2 of the Office Action, the PTO has requested copies of the foreign references cited in the information disclosure statement dated June 5, 2006. Although, at the time this information disclosure statement was filed, these documents should have been provided to the PTO directly from WIPO under the exchange program between the PTO, the EPO, and the JPO, Applicants are submitting copies of the requested references with this

response in an effort to expedite prosecution. Applicants respectfully request that the PTO provide a signed, initialed, and dated copy of the form PTO SB/08 with its next communication.

Drawings

On page 2 of the Office Action, the PTO has objected to the drawings.

With this response, Applicants are submitting a "Replacement Sheet" for sheet 2 which includes amendments to Figures 4-7.

Figure 4 has been amended to more clearly refer to a preferred embodiment by identifying edge (12).

Further, figures 5-7 have been amended to include the label "PRIOR ART".

Finally, with respect to the radially outwardly extending tab, in an effort to expedite the prosecution of the present application, Applicants have cancelled claims 5 and 6 without prejudice or disclaimer. Applicants expressly reserve the right to pursue the subject matter of these claims in one or more continuing, divisional, or reissue applications.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding objection to the drawings.

Specification

On page 3 of the Office Action, the PTO has objected to the specification, suggesting that Applicants insert standard headings, and has objected to the language of the Abstract. In this response, Applicants have amended the specification to insert standard headings, and Applicants are providing herewith a replacement Abstract. Reconsideration and withdrawal of the outstanding objection to the specification is respectfully requested.

Rejections Under 35 U.S.C. §112

On page 4 of the Office Action, the PTO has rejected claims 1-12 under 35 U.S.C. §112, 2nd paragraph as allegedly being indefinite. Applicants respectfully traverse this rejection for the reasons set forth below.

With respect to the rejection based upon the use of the phrase “in particular” in claim 1, Applicants have amended claim 1 to delete the phrase “in particular”. Applicants note that this amendment does not narrow the scope of claim 1.

With respect to claim 4, Applicants have amended Figure 4 to include reference numeral 12 which shows the claimed sharp edge. In light of the exemplary depiction of a “sharp edge in the region of bearing contacts” in Figure 4, Applicants submit that claim 4 is clear and definite.

With respect to the rejection of claim 6, in an effort to expedite prosecution, Applicants have cancelled claim 6 without prejudice or disclaimer. Applicants expressly reserve the right to pursue the subject matter of claim 6 in one or more continuing, divisional, or reissue applications.

With respect to the reference to “the slot” in line 2 of claim 11, Applicants have amended claim 11 to provide proper antecedent basis for the reference to “the slot.”

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections under §112.

Rejection Under 35 U.S.C. §102 – De Giacomoni

On page 5 of the Office Action, the PTO has rejected claims 1-6 and 12 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent 5,820,168 to De Giacomoni *et al* (hereafter “De Giacomoni”). Applicants respectfully traverse this rejection for the reason set forth below.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally MPEP §2131.

Here, De Giacomoni fails to disclose “at least one end region of the clamp is bent away from the tubes back toward the body of the clamp” (emphasis added) as recited in independent claim 1. For this reason, Applicants submit that the rejection based upon De Giacomoni is improper and should be withdrawn. Claims 2-6 and 12 ultimately depend from claim 1 and are believed to be allowable for the same reason as claim 1.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under §102 based upon De Giacomoni.

Rejection Under 35 U.S.C. §102 – Sedam

On page 5 of the Office Action, the PTO has rejected claims 1 and 10-12 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent 3,479,069 to Sedam (hereafter “Sedam”). Applicants respectfully traverse this rejection for the reason set forth below.

Here, Sedam fails to disclose “at least one end region of the clamp is bent away from the tubes back toward the body of the clamp” (emphasis added) as recited in independent claim 1. For this reason, Applicants submit that the rejection based upon Sedam is improper and should be withdrawn. Claims 10-12 ultimately depend from claim 1 and are believed to be allowable for the same reason as claim 1.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under §102 based upon Sedam.

Rejection Under 35 U.S.C. §102 – Hunter

On page 5 of the Office Action, the PTO has rejected claims 1 and 7-9 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent 4,461,499 to Hunter *et al.* (hereafter “Hunter”). Applicants respectfully traverse this rejection for the reason set forth below.

Here, Hunter fails to disclose “at least one end region of the clamp is bent away from the tubes back toward the body of the clamp” (emphasis added) as recited in independent claim 1. For this reason, Applicants submit that the rejection based upon Hunter is improper and should be withdrawn. Claims 7-9 ultimately depend from claim 1 and are believed to be allowable for the same reason as claim 1.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under §102 based upon Hunter.

Newly Added Claims

In this response, Applicants have added claims 13-15.

With respect to claim 13, Applicants note that none of the cited references disclose a tube and clamp assembly comprising “a circumferential clamp for fastening and connecting the first tube to the second tube, wherein at least one end region of the clamp is bent away from the tubes back toward the body of the clamp.”

With respect to claim 14, Applicants note that none of the cited references disclose a heat exchange system comprising a tube and clamp assembly according to claim 13.

With respect to claim 15, Applicants note that none of the cited references disclose a motor vehicle comprising a heat exchange system according to claim 14.

CONCLUSION


Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date February 5, 2007

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5414
Facsimile: (202) 672-5399

Richard L. Schwaab
Attorney for Applicant
Registration No. 25,479

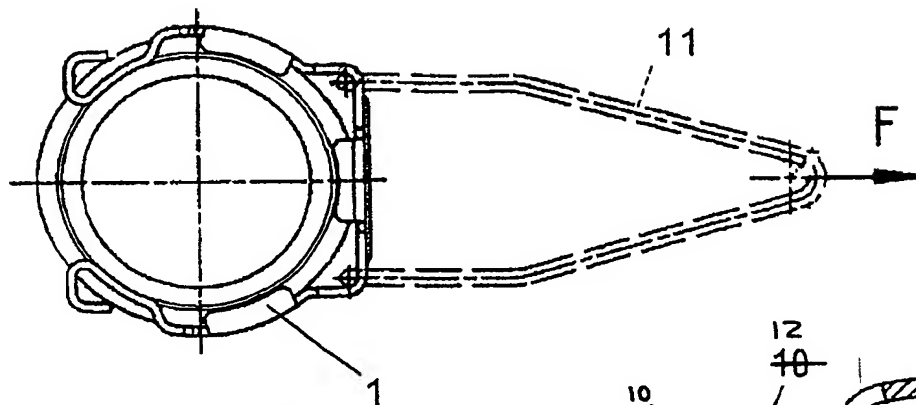


Fig. 3

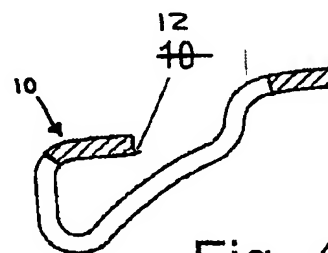


Fig. 4

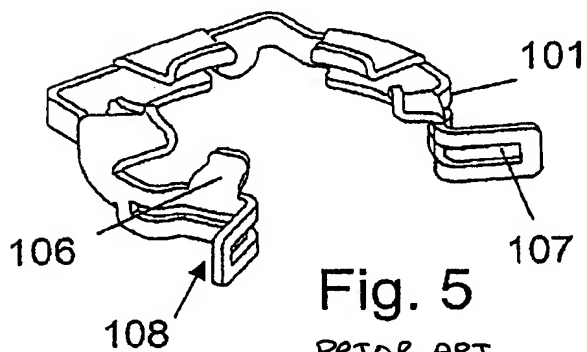


Fig. 5

PRIOR ART

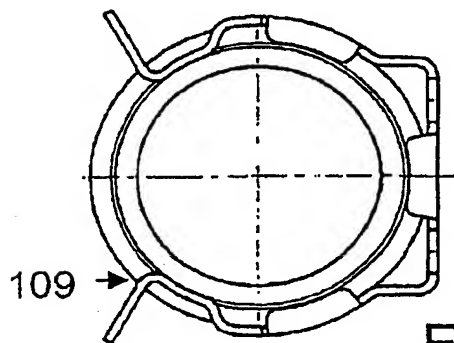


Fig. 7

PRIOR ART

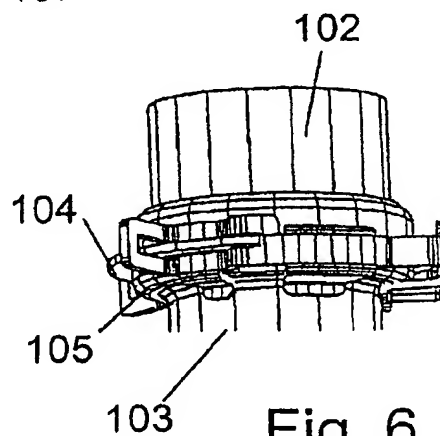


Fig. 6

PRIOR ART